



STREET VARIANCE CRITERIA RESPONSES

MMC Chapter 12.02

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
(360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Monday - Friday 7:30 AM - 4:00 PM

- A. The city council shall have the authority to grant a variance from the requirements of the street department code and from the requirements of this chapter, after considering the matter at a public hearing duly called in accordance with the procedures specified below. No application for a variance shall be granted by the council unless the council finds:
1. That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other lands in the same neighborhood, and that literal interpretation of the provisions of the street code and this chapter would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same neighborhood;
 2. That the special conditions and circumstances do not result from the actions of the applicant, and are not self-imposed hardships;
 3. That granting the variance requested will not confer a special privilege to the subject property that is denied other lands in the same neighborhood,
 4. That the granting of the variance will not be materially detrimental to the public welfare on injurious to the property or improvements in the neighborhood in which the subject property is situated;
 5. That the granting of the variance requested will be in harmony with the general purpose and intent of the street code and this chapter;
 6. That the purpose of the variance is not merely to permit the subject property to be utilized more profitably by the owner or to economize on the cost of improve the property.
- B. Conditions. In granting any variance the city council may prescribe appropriate conditions and safeguards that will ensure that the purpose and intent of the street code and this chapter shall not be violated. Further, the city council may require the applicant to post a performance bond guaranteeing compliance with such conditions. Violation of conditions and safeguards contained in a variance shall be considered to be a violation of this chapter and punishable under Section 1.01.030 of the Marysville Municipal Code.
- C. Effective date of Variance. The decision of the city council granting or denying a variance shall not become final until the expiration of ten days from the date of entry of such decision in the official records of the city council.